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POLLACK, P.C.  
THE CHRYSLER BUILDING  
132 EAST 43RD STREET, SUITE 760  
NEW YORK NY 10017

In re Application of  
Paolo Ammannati et al  
Serial No.: 10/530,067  
Filed: March 31, 2005  
Attorney Docket No.: 1014.1043

DECISION ON PETITION

This letter is in response to the Petition under 37 C.F.R. 1.181, requesting withdrawal of an Office action and remailing thereof.

A review of the application shows that this application was filed under 35 U.S.C. 371 and accepted on March 31, 2005. In a first Office action, mailed June 22, 2007, the examiner set forth a two way Lack of Unity. Applicants do not argue the requirement. Applicants, upon receiving the Office action, noted that in their copy no shortened statutory period for reply and inquired of the examiner and supervisor what the period for reply was supposed to be. The supervisor in reviewing the scanned image noted that a "1 month" period for reply had been set as shown on the summary sheet (Form 326). It is unclear whether a copy of this form was received by applicants. If not received, the lack of a set reply period is understandable. However, applicants have access to both private and public PAIR and could have reviewed the mailed Office action thereon to determine any differences or discrepancies between the scanned and mailed copies. Such would have clearly informed applicants of the time period set for reply. It is also noted that applicants have timely replied to the Office action and, as such, the request to remail the Office action is moot as no purpose in doing so would accrue.

The petition is **DISMISSED** as moot for the reasons set forth above.

**The application will be forwarded to the examiner for further consideration.**

Should there be any questions regarding this decision, please contact Special Program Examiner William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0519 or by Official Fax at 571-273-8300

  
Bruce M. Kisliuk

Director, Technology Center 1600